

REMARKS

Claims 1-92 are pending in the present application. Claims 1-92 have been rejected. Claims 1-7, 10-33, 65 and 79 have been amended. Claims 8, 9, 40, 41, and 71 have been canceled. Support for the amendments can be found at least in paragraph 24 of the specification.

1) 35 U.S.C. § 101 Rejections

Claims 1-52 are rejected under 35 U.S.C. § 101 as being allegedly directed to non-statutory subject matter. Claims 1-7 and 10-32 have been amended to clarify that the method is computer implemented, and is therefore “tied to another statutory category.” Applicant respectfully requests that the Examiner withdraw the rejections and allow claims 1-7 and 10-32. Claims 8 and 9 have been canceled rendering the rejections of those claims moot.

Claims 33-52 are directed to “at least one computer readable medium.” A computer readable medium is an article of manufacture and is therefore statutory. Applicant therefore respectfully requests that the Examiner withdraw the rejection and allow claims 33-39 and 42-52. Claims 40 and 41 have been canceled rendering the rejection of those claims moot.

2) 35 U.S.C. § 102(e) Rejections

Claims 1-14, 26-46, 58-72 and 79-86 were rejected under 35 U.S.C. § 102(e) as anticipated by anticipated by U.S. Patent Application Publication 2002/0173955 to Reich (“Reich”). Applicant respectfully disagrees. Claim 1 as amended includes features that are neither taught nor suggested by Reich.

In particular, Reich fails to teach or suggest providing at least one input sequence to the automatic system, the at least one input sequence associated with a transcript, observing an output sequence of the automatic system generated in response to the provided at least one input sequence, and comparing the output sequence with the transcript. Claims 33, 65, and 79 recite similar features.

Reich teaches a method for performing speech recognition (Reich, Abstract). User speech is received and analyzed to produce one or more candidate words (Reich, Abstract). Each candidate word is given a confidence score (Reich, Abstract). If the candidate word with the highest confidence score is greater than a threshold confidence score, then the candidate word with the highest confidence score is determined to match the user speech. If the candidate

word with the highest confidence score is less than the threshold confidence score then the candidate words are presented to the user for selection (Reich, Abstract).

Reich entirely fails to teach or suggest providing at least one input sequence to the automatic system, the input sequence associated with a transcript, observing an output sequence of the automatic system generated in response to the provided at least one input sequence, and comparing the output sequence with the transcript. There is simply no mention of a transcript or comparing an output sequence with a transcript anywhere in Reich. As described in Reich, the user provides speech in the form of user utterances to the speech recognition system (Reich, [0027]). The speech recognition system then processes the utterance and presents the user with one or more candidate words (Reich, [0032]). Because Reich teaches processing speech as a user speaks it, it could not possibly teach comparing an output sequence with a transcript associated with the input sequence since no transcript would exist.

For the above reasons, it is submitted that independent claims 1, 33, 65, and 79 as well as claims 2-7, 10-14, 26-32, 34-39, 42-46, 58-64, 66-70, 72 and 80-86 which depend therefrom, patentably distinguish over Reich. Claims 8, 9, 40, 41, and 71 have been canceled rendering the rejection of those claims moot.

3) 35 U.S.C. § 103(a) Rejections

Claims 15-25, 47-57, 73-78 and 87-92 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Reich in view of U.S. Patent No. 5,625,748 to McDonough et al. (“McDonough”). Claims 15-25, 47-57 and 87-92 are all variously dependent on independent claims 1, 33, 65, and 79, and are therefore allowable over Reich for at least the reasons given above for claims 1, 33, 65, and 79. McDonough fails to cure the deficiencies of Reich with respect to claims 1, 33, 65, and 79. Applicant therefore respectfully request that the Examiner withdraw the rejections and allow claims 15-25, 47-57, 73-78 and 87-92.

Summary

It is submitted that the references cited by the Examiner do not teach or suggest the features of the present claimed invention. Thus, it is submitted that claims 1-7, 10-39, 42-70, and 72-92 are in a condition suitable for allowance. Reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Respectfully submitted,

/Lawrence A. Aaronson/

Dated: February 26, 2009

Lawrence A. Aaronson
Registration No. 38,369

Lawrence A. Aaronson, P.C.
12850 Highway 9
Suite 600 - PMB 338
Alpharetta, GA 30004
phone: (770) 475-9129
fax: (770) 809-5028